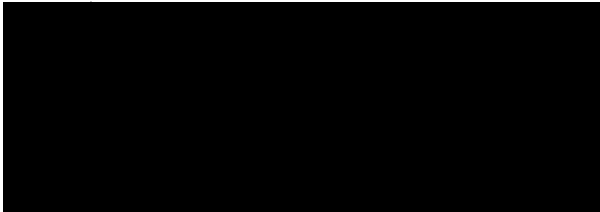


M3

U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



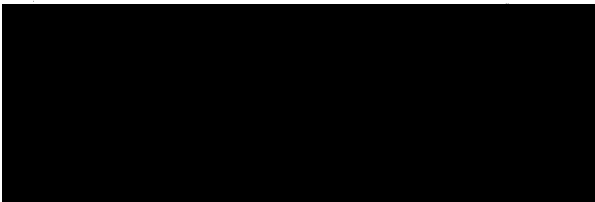
FILE: WAC 02 076 50015 Office: CALIFORNIA SERVICE CENTER Date: JUN 30 2004

IN RE Applicant



APPLICATION: Application for Extension of Stay Pursuant to 8 C.F.R. § 214.1(c)(1)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Mari Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**DISCUSSION:** The petition for a nonimmigrant worker was filed as an application for an extension of the applicant's temporary stay in the United States as an E-1 Treaty Trader pursuant to 8 C.F.R. § 214.1(c)(1). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The nonimmigrant visa petition was denied by the Director, California Service Center, who incorrectly advised the applicant that the decision could be appealed to the AAO. Counsel for the petitioner subsequently filed an appeal.

The regulation at 8 C.F.R. § 214.1(c)(5) states:

*Decision in Form I-129 or I-539 extension proceedings.* Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of the Service [Citizenship and Immigration Services]. There is no appeal from the denial of an application for extension of stay filed on Form I-129 or I-539.

The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application for extension of stay. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.